REMARKS/ARGUMENTS

Claim 9 was objected to because of certain alleged informalities in lines 11-13 of that claim. Reconsideration of the objection is respectfully requested.

Applicant respectfully submits that claim 9, as amended with certain clarifying language, is correct and the Examiner's proposed correction is unnecessary. In particular, it is respectfully submitted that the phase detector is arranged to be switchable between the MLSE output and a training sequence memory and is arranged to be switchable between the MLSE delayed input and a non-delayed MLSE input. The two switches allowing the switching between the MLSE output and a training sequence memory and the switching between the MLSE delayed input and a non-delayed MLSE input are circled in the attached copy of Fig. 5 for the Examiner's reference.

Claim 10 was rejected under 35 U.S.C. §102(b) as being anticipated by Maruyama, U.S. Patent No. 6,144,708. Reconsideration of the rejection is respectfully requested.

The Examiner indicates that it is known in the art that equalizer 14 in Maruyama is equivalent to the claimed MLSE, (Office Action, page 2, paragraph 2, line 7, to page 3, line 1). Applicant respectfully submits that the finding by the Examiner of equivalence between the equalizer 14 in Maruyama and the claimed MLSE is inappropriate. To make a *prima facie* case of equivalence, it is necessary that the prior art element be an equivalent of a means- or step-plus-function limitation, Manual of Patent Examining Procedure, §2183, page 2100-235, and the claimed MLSE is neither a means- nor a step-plus-function limitation.

In addition, the equalizer of Maruyama is "for obtaining a tap coefficient desired for equalization and then demodulating the receive signal based on the tap coefficient," (column 4, lines 25-28). Thus, the claimed MLSE is not disclosed by Maruyama.

Furthermore, Maruyama does not disclose that the processing means are arranged to determine the imaginary part of the result of dividing the second input by the first input, said part corresponding to the phase difference, as required by claim 10. On the contrary, and with respect to Fig. 3 and column 5, line 62, to column 6, line 4, Maruyama utilizes a complex arrangement of trigonometric multiplication and subtraction in order to determine the phase difference. Indeed, and with respect to column 6, lines 1-4, the phase difference is determined from the difference ($\theta1-\theta2$), which is derived from the complex multiplication of real and imaginary parts of signals

received at phase difference detector 17. In stark contrast to this, claim 10 requires the imaginary part of the result of the division of the second input by the first input to correspond with the phase difference. Maruyama makes no such disclosure, nor the Applicant notes, does the Examiner seek to assert that it does in the Office Action.

Finally, the Examiner contends that phase detector 17 corresponds to the claimed processing means in claim 10, (Office Action, page 3, lines 3-4). However, phase difference detector 17 in Maruyama provides "the difference between the phase of the receive signal to be input to the equalizer and the phase of the output signal of the replica signal generator 15," (column 4, lines 38-41; emphasis supplied). In contrast, the processing means claimed in claim 10 determines the phase difference between the first input coupled to the output of the MLSE and the delayed second input coupled to the input of the MLSE; no output signal of a replica signal generator is claimed in claim 10, as is required in Maruyama.

Claims 1-9 were allowed.

Claim 11 was corrected to make it dependent upon claim 10, and since claim 10 should be allowable, claim 11 should also be allowable.

In view of the foregoing amendments and remarks, allowance of claims 1-11 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 14, 2007:

_____
Max Moskowitz
Name of applicant, assignee or
Registered Representative

_____
Signature

_____
February 14, 2007
Date of Signature

RCF/MIM:lac

Respectfully submitted,

_____
Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700